

No. 05-3725

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

**APR 05 2006**

LEONARD GREEN, Clerk

**THE KROGER COMPANY,**

Plaintiff-Appellee,

v.

**MALEASE FOODS CORP.,**

formerly known as Malese Foods Corp.

Defendant-Appellant.

ORDER

06 APR -5 PM 4:35

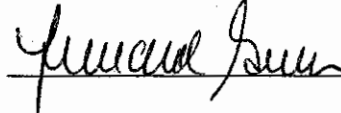
1:02cv439

**ORDER REMANDING CASE TO THE DISTRICT COURT  
FOR ENTRY OF DISMISSAL AS MOOT**

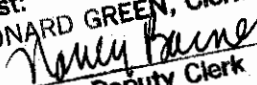
On February 6, 2006, this court remanded *Kroger Co. v. Malease Foods Corp.*, No. 04-4512, to the district court for an entry of dismissal for lack of personal jurisdiction over the defendant, Malease Foods Corporation. Pursuant to the ruling in that case, the instant appeal is also remanded to the district court for an entry of dismissal as moot.

IT IS HEREBY ORDERED that *Kroger v. Malease*, No. 05-3725, is remanded to the district court for an entry of DISMISSAL as MOOT.

ENTERED BY ORDER OF THE COURT.



Leonard Green, Clerk.

A TRUE COPY  
Attest:  
LEONARD GREEN, Clerk  
By   
Deputy Clerk

LEONARD GREEN  
CLERK

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
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CINCINNATI, OHIO 45202-3988

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Filed: April 5, 2006

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RE: 05-3725  
Kroger Co vs. Malease Foods Corp  
District Court No. 02-00439

Enclosed is a copy of an order which was entered today in the above-styled case.

(Ms.) Nancy Barnes  
Case Manager

Enclosure

cc:  
Honorable Sandra S. Beckwith  
Mr. James Bonini